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NORTHERN CALIFORNIA GLAZIERS,
et al. PENSION PLAN, et al.

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

NORTHERN CALIFORNIA GLAZIERS,
ARCHITECTURAL METAL AND GLASS
WORKERS PENSION PLAN, et al.,

Plaintiffs,

v.

JOHN CORTEZ dba FRANK'S GLASS,
Defendant.

Case No.: C 06-2406 MJJ

**PLAINTIFFS' REQUEST FOR
CONTINUANCE OF CASE
MANAGEMENT CONFERENCE;**

~~PROPOSED~~ ORDER

**Date: April 24, 2007
Time: 2:00 p.m.**

Plaintiffs again submit a Request for Continuance of the Case Management Conference currently scheduled for February 20, 2007 at 2:00 p.m., *to allow the matter to be resolved between the parties.*

1. The complaint in this action was filed on April 6, 2006 to compel defendant to allow plaintiffs to audit its records in accordance with its collective bargaining agreement, and for payment of any amount found due upon audit.

2. **The Defendants did not make an appearance in this action,** but agreed to an audit date of July 17, 2006. Plaintiffs therefore requested, and the Court ordered, that the Case Management Conference set for July 18, 2006 be continued, to October 3, 2006.

**PLAINTIFFS REQUEST FOR CONTINUANCE OF CMC
CASE NO.: C06-2406 MJJ**

1 3. On September 20, 2006, the Court vacated that conference and rescheduled it for
2 October 17, 2006. The Court then continued that conference to December 19, 2006, to allow
3 Plaintiffs' auditors time to complete their report.

4 4. Just prior to that date Plaintiffs' auditors completed their report, and the Court
5 again reset the conference date, to February 20, 2007, to allow the report to be sent to Defendant
6 for a 10 day review or response, followed by billing for payment to be made.
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8 5. The audit report, then billing, was sent to Defendant's accountant, with whom the
9 auditors dealt. In the absence of any response the billing was again sent, directly to Defendant,
10 with a response date of February 5, 2007.

11 6. *There was no response by February 14, 2007 when the Court again continued the*
12 *Case Management Conference, to April 24, 2007, to allow time for Plaintiffs to file their Motion*
13 *for Default Judgment. However, the following day on February 15, 2007, Defendant provided a*
14 *Declaration to Plaintiffs. Thereafter, the auditor's report was revised accordingly, reviewed, and*
15 *revised further. The final revised report was sent to the Defendant last week, on April 12, 2007,*
16 *and to the Plaintiffs' administrator for billing to the Defendant.*
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7. Plaintiffs therefore again **request a continuance of the Case Management Conference for a period of approximately 60 days** to allow for Defendant to make the payment to resolve this action, or in the alternative, for Plaintiffs' preparation and service of a **Motion for Default Judgment**.

Dated: April 17, 2007

Respectfully submitted,
SALTZMAN & JOHNSON LAW CORPORATION

By: _____/s/_____
Muriel B. Kaplan
Attorneys for Plaintiffs

ORDER

The Case Management Conference scheduled in this matter for April 24, 2007, at 2:00 p.m. is hereby continued to June 19, 2007 at 2:00 p.m.

IT IS SO ORDERED.

Dated: 4/20/2007


UNITED STATES DISTRICT COURT JUDGE

PROOF OF SERVICE

I, the undersigned, declare:

I am employed in the County of San Francisco, State of California. I am over the age of eighteen and not a party to this action. My business address is 120 Howard Street, Suite 520, San Francisco, California 94105

On April 17, 2007, I served the foregoing document(s) on the parties to this action, addressed as follows, in the manner described below:

**PLAINTIFFS' REQUEST FOR CONTINUANCE OF CASE MANAGEMENT
CONFERENCE; [PROPOSED] ORDER**

- ☒ **MAIL**, being familiar with the practice of this office for the collection and the processing of correspondence for mailing with the United States Postal Service, and deposited in the United States Mail copies of the same to the business addresses set forth below, in a sealed envelope fully prepared.
- ☐ **FACSIMILE** be causing said document(s) to be transmitted by Facsimile machine to the number indicated after the address(es) set forth below.
- ☐ **UPS** for delivery the following business day by placing same for collection by UPS to the business addresses set forth below.
- ☐ **PERSONAL DELIVERY** by placing said document(s) in a sealed envelope and causing it to be personally delivered to the address(es) set forth below.
- ☐ **ELECTRONICALLY** be causing said document(s) to be transmitted by Email to the address(es) set forth below.

Addressed to: **John Cortez
Frank's Glass
1652 Berrywood Drive
San Jose, CA 95133**

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on this 17th day of February, 2007, at San Francisco, California.

_____/s/_____
Vanessa de Fábrega